

THE HON'BLE Mr. JUSTICE V.ESWARAIAH

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WRIT PETITION No.2125 of 2006

DATED:16.02.2006

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Between:

1. D. Sivashankar Reddy and others

.....Petitioners

AND

1. The District Collector Chittoor District,

Chittoor District, Chittoor and others

...Respondents

THE HON'BLE Mr. JUSTICE V.ESWARAIAH

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WRIT PETITION No. 2125 of 2006

ORDER:

This writ petition is filed by the petitioners seeking a direction more particularly, in the nature of writ of mandamus to declare the action of the 1st respondent in not considering the representation, dated 20.12.2005, as illegal and arbitrary and consequently direct the 1st respondent to consider the representation of the petitioners, dated 21.12.2005.

Heard the learned counsel.

It is stated by the petitioners that they are the ryots having lands in Chuttagunta Rama Puram Village, Ramachandra Puram Mandal, Chittoor District and that as there was a drought for the last ten years, they could not cultivate the lands and recently, there were heavy rains and therefore, the Chuttagunta tank was filled, but the respondents are laying road from middle of the said Chuttagunta tank, in spite of the protest made by the ryots. It is further stated that since the lands were classified as water bodies or irrigation tanks, the same cannot be changed as per the Judgment of the Apex Court reported in **Hinchlal Lal Tiwari Vs. Komala Devi**. It is also stated that in spite of filing a representation, dated 20.12.2005, before the respondents, no action has been taken thereon.

The respondents have obtained instructions and submitted that the said allegations are incorrect and false and the respondents are not laying the road across the Chuttagunta Cheruvu and Annaswamy Gunta and the Municipality is not at all touching the above said water bodies in any manner. It is also submitted that there is a cart track near the water bodies from the village Ramachandra Puram Mandal, which is situated in the Government Poramboke land, and it is being made ready as pucca road in order to use them for transportation of garbage to intended Garbage Plant, which is a recycling unit. The said decision has been taken pursuant to the Council resolution of the Tirupathi Municipality. It is further stated that no road is going to be laid touching the area of the water bodies.

In view of the aforesaid fair submission made by the 4th respondent, I am of the opinion that the question of considering the representation of the petitioners does not arise.

Accordingly, the writ petition is disposed of. No order as to costs.

16th February, 2006

Note:

Issue C.C. in two days.

(By Order)

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